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8 Attorney for Plaintiff

9 UNITED STATES DISTRICT COURT  
10 SOUTHERN DISTRICT OF CALIFORNIA

11 Reza Khosravani,

12 Plaintiff

13 -vs-

14 Michael Chertoff, Secretary, Emilio  
15 Gonzalez, Director, Paul Pierre, District  
16 Director, Department of Homeland  
17 Security and Michael Mukasey,  
18 Attorney General

19 Defendants

No. '08 CV 0220 W CAB

COMPLAINT FOR MANDAMUS  
RELIEF IN RE NATURALIZATION  
APPLICATION

CIS No's: A055-126-378  
WSC \*001590413

Plaintiff, by his attorney, complaining of Defendants, alleges as follows:

1. Plaintiff is a lawful permanent resident who resides within the jurisdiction of this Court. Plaintiff's claim to relief arises under 8 U.S.C. 1421, et seq.
2. Defendant Michael Chertoff is the Secretary of the Department of Homeland Security (DHS). Emilio Gonzalez is the Director of the bureau of Citizenship and Immigration Services (CIS) of the DHS, Paul Pierre is the District Director of the San Diego District of the CIS, and Michael Mukasey is the Attorney General of the United States. All Defendants are sued herein in their official capacities. Defendants are in charge of the processing and adjudication of applications for naturalization.

1           3. The Court has jurisdiction of this action pursuant to 28 U.S.C. 1331,  
2  
3   28 U.S.C. 1361, 28 U.S.C. 1651 and 5 U.S.C. 701 et seq., and relief is requested  
4   pursuant to said statutes.

5           4. The Plaintiff filed an application for naturalization with the Defendants in  
6   September of 2006, and he was fingerprinted about three weeks later. However, he  
7   has never been examined on his application as contemplated in 8 U.S.C. 1446(b).

8           5. The Plaintiff has inquired many times of Defendants as to the status of his  
9   application. He has written personal letters to Defendants Chertoff and Mukasey as  
10   well as to the Director of the Federal Bureau of Investigation (FBI), both California  
11   Senators, the First Lady and Representative Bilbray. The general response was that  
12   the Defendants were awaiting some kind of "clearance" or "check". As of February  
13   of 2008, the checks have apparently still not been completed.

14           6. The Defendants' internet inquiry site reports, as of January 15, 2008, that  
15   naturalization applications like that of the Plaintiff are being scheduled for interview  
16   within about seven months of receipt. The Plaintiff has been waiting now over  
17   sixteen months.  
18

19           7. The failure of Defendants to move forward with the Plaintiff's application has  
20   effectively denied him the opportunity to become an American citizen.  
21

22           8. The Plaintiff has exhausted his administrative remedies.

23           9. The Defendants' refusal to act on the Plaintiff's application is arbitrary and  
24   not in accord with the law and regulations, and the Plaintiff has been greatly  
25   damaged thereby.  
26

27   //  
28

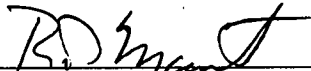
1           10. The Defendants, in violation of the law and regulations, are unlawfully  
2 withholding or unreasonably delaying action on the Plaintiff's application and have  
3 failed to carry out the adjudicative and administrative functions delegated to them  
4 by law with regard to Plaintiff's application.  
5

6           WHEREFORE, Plaintiff prays:

7           That the Defendants be ordered to move forward with Plaintiff's application for  
8 naturalization and schedule him for interview, and

9           That the Court award such other and further relief as to this Court may seem  
10 reasonable and proper.

11  
12          Dated: 02/04/2008

  
\_\_\_\_\_  
Robert A. Mautino  
Mautino & Mautino  
Attorney for Plaintiff

**UNITED STATES  
DISTRICT COURT**  
SOUTHERN DISTRICT OF CALIFORNIA  
SAN DIEGO DIVISION

**# 147237 - BH**

**February 05, 2008  
10:35:29**

**Civ Fil Non-Pris**

USAO #: 08CV0220 CIVIL FILING

Judge.: THOMAS J WHELAN

Amount.:

\$350.00 CK

Check#: BC# 10682

**Total-> \$350.00**

**FROM: KHOSRAVANI V. CHERTOFF ET AL  
CIVIL FILING**

I. (a) PLAINTIFFS

Reza Khosravani

(b) County of Residence of First Listed Plaintiff San Diego  
(EXCEPT IN U.S. PLAINTIFF CASES)

(c) Attorney's (Firm Name, Address, and Telephone Number)

Robert A. Mautino  
Mautino and Mautino

1059 10th Avenue

San Diego, CA 92101 (619) 235-9177

DEFENDANTS

Michael Chertoff, et al.

County of Residence of First Listed Defendant

(IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE SOUTHERN LAND INVOLVED

Attorneys (If Known)

DEPUTY

'08 CV 0220 W CAB

II. BASIS OF JURISDICTION (Place an "X" in One Box Only)

- ☐ 1 U.S. Government Plaintiff  
☒ 2 U.S. Government Defendant  
☐ 3 Federal Question (U.S. Government Not a Party)  
☐ 4 Diversity (Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)

- Citizen of This State ☐ 1 ☐ 1 Incorporated or Principal Place of Business In This State ☐ 4 ☐ 4  
Citizen of Another State ☐ 2 ☐ 2 Incorporated and Principal Place of Business In Another State ☐ 5 ☐ 5  
Citizen or Subject of a Foreign Country ☐ 3 ☐ 3 Foreign Nation ☐ 6 ☐ 6

V. NATURE OF SUIT (Place an "X" in One Box Only)

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES
<input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of <input type="checkbox"/> 160 Medicare Act <input type="checkbox"/> 170 Recovery of Defaulted Student Loans (Excl. Veterans) <input type="checkbox"/> 180 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 190 Stockholders' Suits <input type="checkbox"/> 200 Other Contract <input type="checkbox"/> 210 Contract Product Liability	<input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury <input type="checkbox"/> 362 Personal Injury—Med. Malpractice <input type="checkbox"/> 365 Personal Injury—Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> 610 Agriculture <input type="checkbox"/> 620 Other Food & Drug <input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC <input type="checkbox"/> 630 Liquor Laws <input type="checkbox"/> 640 R.R. & Truck <input type="checkbox"/> 650 Airline Regs. <input type="checkbox"/> 660 Occupational Safety/Health <input type="checkbox"/> 690 Other <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Mgmt. Relations <input type="checkbox"/> 730 Labor/Mgmt. Reporting & Disclosure Act <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Empl. Ret. Inc. Security Act	<input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 840 Trademark <input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g)) <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS—Third Party 26 USC 7609	<input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce/ICC Rates/etc. <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 810 Selective Service <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 875 Customer Challenge 12 USC 3410 <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 892 Economic Stabilization Act <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 894 Energy Allocation Act <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 900 Appeal of Fee Determination Under Equal Access to Justice <input type="checkbox"/> 950 Constitutionality of State Statutes <input checked="" type="checkbox"/> 990 Other Statutory Actions
REAL PROPERTY	CIVIL RIGHTS	PRISONER PETITIONS	LABOR	SOCIAL SECURITY
<input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property	<input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 444 Welfare <input type="checkbox"/> 440 Other Civil Rights	<input type="checkbox"/> 510 Motions to Vacate Sentence Habeas Corpus: <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty <input type="checkbox"/> 540 Mandamus & Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition	<input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Mgmt. Relations <input type="checkbox"/> 730 Labor/Mgmt. Reporting & Disclosure Act <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Empl. Ret. Inc. Security Act	<input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g)) <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS—Third Party 26 USC 7609

ORIGIN (PLACE AN "X" IN ONE BOX ONLY)

- ☒ 1 Original Proceeding  
☐ 2 Removed from State Court  
☐ 3 Remanded from Appellate Court  
☐ 4 Reinstated or Reopened  
☐ 5 Transferred from another district (specify)  
☐ 6 Multidistrict Litigation  
☐ 7 Appeal to District Judge from Magistrate Judgment

CAUSE OF ACTION (Cite the U.S. Civil Statute under which you are filing and write brief statement of cause. Do not cite jurisdictional statutes unless diversity.)

8 U.S.C. 1421; suit in mandamus to compel administrative action

I. REQUESTED IN COMPLAINT:

☐ CHECK IF THIS IS A CLASS ACTION UNDER F.R.C.P. 23

DEMAND \$

CHECK YES only if demanded in complaint:

JURY DEMAND: ☐ Yes ☒ No

II. RELATED CASE(S) IF ANY

(See instructions):

JUDGE

DOCKET NUMBER

SIGNATURE OF ATTORNEY OF RECORD

02/04/2008  
OFFICE USE ONLY

RECEIPT # 147237

AMOUNT \$350

2/5/08 BL

APPLYING IFP

JUDGE

MAG. JUDGE